



NEWS



CHAIRMAN GREEN DELIVERS OPENING STATEMENT: “MAYORKAS MUST BE HELD ACCOUNTABLE”

January 10, 2024

WASHINGTON, D.C. — Today, House Committee on Homeland Security Chairman Mark E. Green, MD (R-TN) delivered the following opening statement in a hearing to evaluate the impacts of the worst border crisis in American history on the states. This is the first hearing of impeachment proceedings against Department of Homeland Security (DHS) Secretary Alejandro Mayorkas. These proceedings follow the Committee’s nearly year-long investigation into the causes, costs, and consequences of the unprecedented crisis at America’s borders, and how Secretary Mayorkas’ actions and decisions are at the foundation of the crisis. Watch the full hearing [here](#). Read Chairman Green’s op-ed [here](#).



[Watch Chairman Green’s full opening statement.](#)

As prepared for delivery:

Today is a solemn occasion, as this Committee begins official impeachment proceedings in the matter of Department of Homeland Security (DHS) Secretary Alejandro Mayorkas and his handling of America’s borders since taking office in February 2021. I wish we were not sitting here today. I wish these proceedings were not necessary. I wish our Southwest border was secure.

I wish that our government was enforcing the laws passed by Congress and doing its job to keep the American people safe. Unfortunately, Secretary Mayorkas has done none of those things.

For almost a year, the House Committee on Homeland Security has conducted a comprehensive investigation into the causes, costs, and consequences of the unprecedented crisis at our Southwest border. Our evidence makes clear: Secretary Mayorkas is the architect of the devastation we have witnessed for nearly three years. The findings of our investigation—available to the public at homeland.house.gov—coupled with the Secretary’s refusal to change course on the reckless decisions facilitating this crisis, have left us with no reasonable alternative than to pursue the possibility of impeachment.

The Secretary’s actions have brought us here today, not ours. Since early 2021, we have watched in disbelief as historic numbers of inadmissible aliens have poured across our borders, both at official ports of entry and illegally across the thousands of miles of our borders.

On Secretary Mayorkas’ watch, Customs and Border Protection (CBP) has recorded more than 8.1 million encounters at America’s borders, including more than 6.7 million at the Southwest border alone. For comparison, CBP recorded just over three million encounters nationwide from Fiscal Year 2017-2020 combined. Jeh Johnson, President Obama’s former DHS secretary, previously said that 1,000 encounters a day “overwhelms the system”—on Secretary Mayorkas’ watch, encounters have never averaged fewer than 3,000 per day, even going as high as 10-12,000 per day.

Just a few days ago, internal CBP numbers leaked to the media showed another 302,000 encounters at the Southwest border alone in December—by far an all-time record. That’s nearly enough people to fill three Rose Bowls—in just one month.

In addition to these catastrophic numbers are the record 1.8 million known gotaways who have entered the country on Secretary Mayorkas’ watch—individuals that Border Patrol agents know slip across our border, but are not apprehended in large part because cartels overwhelm the agents with large groups of coyote paid and escorted migrants. The agents see them, and count them, but cannot apprehend them. But the numbers are most certainly far worse. As agents are moved to crossing sites to process migrants, and the border is unmanned, there are no agents present to count the known gotaways. The number of unknown gotaways is no doubt enormous. Thousands of agents have been pulled off the frontlines to process and release into our country record numbers of illegal aliens who know they will be released into the country and given a free bus or plane ticket to their city of choice.

What Americans must understand today is that these historic numbers—the chaos you just saw on the screen—are the result of a much deeper problem, and that problem is not instability in other countries. It is not poverty. It is not climate change. It is not a supposedly “broken immigration system.” All of these excuses have long predated Secretary Mayorkas’ tenure, and yet, we have never experienced a crisis like this. As even the New York Times admits, and I quote, “push factors don’t explain the entire surge – and maybe not even most of it. There have been no recent wars in Latin America, and the region’s poverty rate has been flat.” I’ll also note that two of the 16 cities in the world with the highest murder rates are right here in the United States.

No, this crisis has been intentional. Secretary Mayorkas was made aware of testimony given by President Biden’s Attorney General Merrick Garland where the AG admitted the current policies are being exploited by the cartels. Yet Secretary Mayorkas turns around and implements additional policies to expand the catch and release measures empowering the cartels and killing Americans. After nearly three years of watching this unfold, what other conclusion is there but that this is an intentional crisis?

Secretary Mayorkas has brazenly refused to enforce the laws passed by Congress and has enacted policies that knowingly make our country less safe. What we’re seeing here is a willful violation of the oath of office taken by Secretary Mayorkas. Let me repeat that, “a willful violation.”

Secretary Mayorkas has used mass parole to release more than 1.5 million inadmissible aliens into this country, despite the Immigration and Nationality Act stating that parole is to be used only on a “case by case” and “temporary” basis, for a “significant public benefit or urgent humanitarian reason.” The chief patrol agent for the Border Patrol’s Laredo Sector told us last June that historically parole “was used only in extreme humanitarian...instances...if a child was sick, had to go to the hospital, we’d parole the parent in or something like that. But that was very rare. It wasn’t an everyday thing.” This border chief is right.

The scale of Secretary Mayorkas’ mass use – and abuse — of parole is unprecedented and has been declared inconsistent with the laws passed by Congress by multiple federal judges, but remains a central component of this Secretary’s agenda.

The Immigration and Nationality Act (INA) also requires that illegal aliens apprehended crossing the border be detained pending their removal proceedings. Secretary Mayorkas has ignored this law. In Fiscal Year 2013, according to DHS’ own numbers, the Obama administration detained 82 percent of illegal aliens from the moment they were encountered until their case was decided, and another nine percent were held for at least some portion of that time.

That’s a pretty good track record—and under a Democrat administration.

In Secretary Mayorkas’ first year on the job, that 82 percent number dropped to just 10 PERCENT. Illegal aliens not detained at all jumped from nine percent in FY 2013 to 64 PERCENT in FY 2021. In a court opinion earlier this year, federal judge Kent Wetherell wrote, “The evidence establishes that in late January or early February of 2021, DHS made a discrete change in detention policy from release only if there is a compelling reason to, to release unless there is a compelling reason not to.”

The deputy chief for the Border Patrol’s Yuma Sector told our Committee in September, “the belief that they are going to be released with no consequence is certainly something that many migrants tell our agents.” On Secretary Mayorkas’ watch, that’s a pretty good bet. And under his leadership, individuals guilty of violent crimes and even some on the terrorist watch list have been released into the country.

Just Monday, multiple sources confirmed Secretary Mayorkas admitted that release rates of illegal aliens are currently around 85 percent.

All told, DHS numbers indicate that well over three million inadmissible aliens have been released into our country on Secretary Mayorkas’ watch. Factor in the 1.8 million known gotaways, and that’s roughly the population of the state of South Carolina.

Not only has Secretary Mayorkas refused to detain these individuals, but he has also made it nearly impossible for Immigration and Customs Enforcement to remove them. His policies have largely restricted the ability of ICE to detain and remove the population of illegal aliens

ICE removals dropped from more than 267,000 in FY 2019 to less than 60,000 in FY 2021, and 70,000 in FY 2022. FY23 numbers were better but were still more than 40,000 fewer than the lowest year of the Trump administration—which largely occurred in the midst of the COVID pandemic! Criminals, as a percentage of all ICE arrests, went from around 90 percent in FY 2020 to just 43 percent in FY 2023. The Secretary is not even living up to his own flawed standards that supposedly prioritize “threats to public safety.”

The former sector chief in San Diego told us in May 2023 that he didn’t think the consequence of being removed from the country was being utilized enough to deter illegal immigration. Even Texas Democrat Henry Cuellar has said, “if you don’t detain people, if you don’t send people back, then the border becomes a speedbump.”

On top of all this, upon entering office, Secretary Mayorkas immediately began dismantling effective policies that had secured the Southwest border—despite being warned by experienced border security personnel of the consequences that would result. That, coupled with his consistent decision to double down on his own unlawful policies, indicates an intentionality to this crisis.

And I must note with great emphasis: These are not simple policy differences. This is a years-long pattern of refusing to enforce the laws Congress has passed.

Our investigation also uncovered the fact that Secretary Mayorkas has violated the authority of his office.

Secretary Mayorkas has directed the Department to create numerous new unlawful mass-parole programs that have allowed an unprecedented number of individuals to enter into our country who otherwise would have no lawful basis to be here, and to incentivize migrants to make the dangerous and sometimes deadly travel to our southern border.

He has also effectively told ICE officers not to do their job in enforcing America’s immigration laws. According to his own guidance to ICE, “the fact an individual is a removable [alien]...should not alone be the basis of an enforcement action against them.” And, “[o]ur personnel should not rely on the fact of conviction,” for a flatly deportable crime, but must consider “mitigating factors that militate in favor of declining enforcement action.”

He has even overseen the reckless and irresponsible use of federal law enforcement personnel to sweep under the rug the mess he’s made at the Southwest border. Border Patrol agents from the Northern border have been deployed to the Southwest border to assist in processing and releasing illegal aliens into the interior. Hundreds of law enforcement professionals from Homeland Security Investigations have been pulled from serious investigations into sex crimes, child exploitation, and other atrocities to perform administrative functions at the border. One whistleblower claimed that his team was told to shut down its investigations and were then sent to the border to make sandwiches. The Secretary has abused his authority and put Americans at risk.

Secretary Mayorkas has repeatedly lied to the American people, and to Congress.

Our investigation uncovered more than 100 instances in which Secretary Mayorkas misled the public. Notably, he claimed in an April 2022 hearing to have operational control of the Southwest border as defined by federal statute. That was false. He then told another lie by claiming in subsequent hearings that he does not use the statutory definition of operational control—despite doing so in that 2022 hearing!

Secretary Mayorkas told this very Committee in September 2021, quote, “the border is no less secure than it was previously,” end quote. CBP recorded more than 192,000 encounters at our borders that month alone, compared to around 58,000 the prior September. It was clear the border was not secure, so why did he lie to Congress about it?

He even stood at the White House podium in September 2021 and falsely accused mounted Border Patrol agents in Del Rio of “whipping” illegal aliens crossing the border. Earlier that same day, DHS emails showed that his staff had informed him that an eyewitness said no whipping occurred, yet he advanced the narrative at the highest levels anyway. One sector chief told us, “we never whipped anybody...[I]t was never really cleared up, and that takes a toll on our agents.”

This is just a taste of Secretary Mayorkas’ misconduct. However, I want to close by reminding everyone that we are here today not only because House Republicans are determined to hold Secretary Mayorkas accountable, but because more than 200 House Democrats voted on November 13th to refer articles of impeachment to our Committee. We are now acting on a bipartisan basis in taking up those articles.

And I briefly want to make it clear to the American people—Secretary Mayorkas’ refusal to follow the law is sufficient grounds for impeachment proceedings. The constitutional history is overwhelmingly clear on this—the Founders designed impeachment not just to remove officials engaged in criminal behavior, but those guilty of such gross incompetence that their conduct had endangered their fellow Americans, betrayed the public trust, or represented a neglect of duty. According to one scholar, there is “a settled understanding—beyond dispute—that impeachable offenses are not limited to prosecutable crimes. Rather, the Framers of the Constitution understood, and the House of Representatives has consistently concluded, that the impeachment power reaches all manner of gross misconduct in office that does serious harm to the U.S. political system or the U.S. constitutional order. The actions, policies, and statements of Secretary Mayorkas easily meet that standard.”

Over the next few hours, you might hear a lot about process and procedure. And after a thorough year-long investigation, this Committee is following the Constitution and procedure as directed by the House’s vote this past November. Make no mistake—attacks on the integrity of this process are meant to distract you from the deadly consequences of our open border.

Unprecedented cartel control of our Southwest border, with record amounts of fentanyl flooding across between ports of entry and into our communities, killing tens of thousands of Americans every year. Over 300 individuals on the terrorist watchlist apprehended illegally crossing the Southwest border since FY 2021—compared to just 14 from FY 2017-2020. Families devastated by violent criminal aliens who have committed murder, rape, and assault, to say nothing of the vehicular crimes committed. CBP and ICE personnel losing faith in their mission, they and their families bearing the brunt of this onslaught at the border. The human costs of this crisis are very real.

The dollar costs of this crisis have been astronomical, as well. New York City alone projects that it will have spent \$12 billion dealing with the flow of illegal aliens into the city by 2025, and it is even cutting the police force to pay for it. One county in Texas had to cut salaries to afford burials and cremations of illegal aliens found dead in their jurisdiction. These costs will be felt for years to come.

As I stated when we started this investigation almost a year ago, we will follow the facts. We have done just that, and the facts have led us here. I look forward to the testimonies of these distinguished attorneys general, who have watched this crisis play out unabated in their states.

For the sake of our homeland security, and the well-being of our people, Secretary Mayorkas must be held accountable.

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